

## MISCELLANEOUS

**3297. Adulteration of dried salt codfish. U. S. v. 156 Boxes and 28 Crates of Codfish. Default decree of condemnation and destruction. (F. D. C. No. 6867. Sample Nos. 22792-E to 22795-E, incl.)**

Examination of this product showed the presence of brown-spot mold and reddening spoilage due to the growth of red bacteria.

On February 16, 1942, the United States attorney for the Northern District of California filed a libel against 86 30-pound boxes, 67 25-pound boxes, and 3 100-pound boxes, and 28 crates each containing 12 1-pound boxes of codfish at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 19, 1941, by Joseph L. Sclafani from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Gaspe Export Regd. Barachois, Quebec."

On April 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3298. Adulteration of pickled herring. U. S. v. 9, 5, and 8 Jars of Pickled Herring. Default decrees of condemnation and destruction. (F. D. C. Nos. 7046, 7047. Sample Nos. 64821-E, 64822-E.)**

Examination of this product showed the presence of decomposed fish.

On March 17, 1942, the United States attorney for the Northern District of Ohio filed libels against 22 gallon jars of pickled herring at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about February 11 and 26, 1942, by Nova Scotia Salt Fish Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. Five gallons of the article were labeled in part: "Pep-E Pickled Sardines \* \* \* Contents 1 Gal. Packed By Albert Adelman Detroit, Mich."

On April 13, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3299. Adulteration of smoked herring. U. S. v. 185 Boxes of Smoked Herring. Default decree of condemnation and destruction. (F. D. C. No. 6766. Sample No. 90555-E.)**

Examination of this product showed the presence of decomposed fish.

On January 28, 1942, the United States attorney for the District of Massachusetts filed a libel against 185 boxes of smoked herring at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 17, 1941, by Richter Bros. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "Kilty Smoked Herring Nova Scotia Salt Fish Co. Rockville Yarmouth Co., N. W."

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3300. Adulteration of canned salmon. U. S. v. 424 Cases of Canned Salmon. Consent decree of condemnation and destruction. (F. D. C. Nos. 4261 to 4264, incl. Sample Nos. 60715-E to 60717-E, incl., 60720-E to 60722-E, incl.)**

Samples of this product were found to be decomposed.

On April 8, 1941, the United States attorney for the Western District of Washington filed a libel against 424 cases, each containing 48 cans, of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 22, 1940, by Morris Muskattell from Port Althorp, Alaska; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. Portions of the article were labeled in part: (Cans) "M and J Brand Salmon" or "Nico Brand Alaska Pink Salmon." The remainder was unlabeled.

On August 4, 1941, Morris Muskattell, claimant, filed an answer admitting the allegations of the libel and requesting permission to segregate and recondition the product. The United States attorney, having appeared in opposition, the court after hearing the evidence found that the product was a part of a shipment of salmon that the Government had formerly attempted to seize but had been prevented by the claimant's hiding and secreting it and that, because of such attempt, the request of the claimant for release of the goods should be denied. Judgment of condemnation and destruction was thereupon entered.

On August 5, 1941, the court granted a stay of execution and on August 19, 1941,

granted the claimant and the Government permission to take further samples and directed the marshal to carry out the order of destruction.

**3301. Misbranding of canned flaked fish. U. S. v. 39 Cases of Flaked Fish. Default decree of condemnation and destruction. (F. D. C. No. 7008. Sample No. 90386-E.)**

Examination showed that this product was short weight.

On March 9, 1942, the United States attorney for the District of Maine filed a libel against 39 cases, each containing 24 7-ounce cans, of flaked fish at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about January 29, 1942, by Tupman Thurlow Sales Co., Inc., from Gloucester, Mass.; and charging that it was misbranded. The article was labeled in part: "Davis Bros. Flaked Fish Haddock and Codfish \* \* \* Davis Bros. Fisheries Co., Inc., Gloucester, Mass."

It was alleged to be misbranded in that the statement on the label, "Net Weight 7 Oz.," was false and misleading as applied to an article that was short weight; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3302. Adulteration of oysters. U. S. v. 74 Pints and 22 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 6305. Sample No. 54298-E.)**

This product contained added water.

On November 28, 1941, the United States attorney for the Middle District of Pennsylvania filed a libel against 96 pints of oysters at York, Pa., alleging that the article had been shipped in interstate commerce on or about November 25, 1941, by John W. Ruby, clerk of Bob's Food Market from Baltimore, Md.; and charging that it was adulterated. It was labeled in part: "Extra Standards [or "Selects"] \* \* \* Oysters Packed By Union Fish Co. Baltimore, Md."

The article was alleged to be adulterated in that water had been substituted wholly or in part for it; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality.

On January 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3303. Adulteration of oysters. U. S. v. 2,500 Cans of Oysters. Consent decree of condemnation. Product ordered released under bond for salvaging of fit portion. (F. D. C. No. 6657. Sample No. 30490-E.)**

This product contained added water.

On January 5, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 2,500 cans of oysters at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about December 24, 1941, by Warren Oyster Co. from Greenwich, N. J.; and charging that it was adulterated. It was labeled in part: (Cans) "Sterling Brand Oysters 12-3/4 Oz. Net Wt."

The article was alleged to be adulterated in that water had been substituted in part for it; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On January 5, 1942, Sterling Oyster Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging of the portion fit for human consumption by removing the excess water, under the supervision of the Food and Drug Administration.

## FRUITS AND VEGETABLES

### CANNED FRUITS

**3304. Adulteration of canned blackberries. U. S. v. 38 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 6767. Sample No. 54535-E.)**

This product contained maggots and moldy berries.

On January 28, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 38 cases each containing 6 No. 10 cans of blackberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 5, 1941, by Litteral Canning Co. from Fayetteville, Ark.; and charging that it was adulterated in that it consisted in whole or in part